

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5/17/2021

UNITED STATES,

-against-

RICHARD VALENTINE, Jr.,

Defendant.

No. 19 cr 168 (NSR)
OPINION & ORDER

NELSON S. ROMÁN, United States District Judge:

Presently before the Court is the April 29, 2021 motion of Richard Valentine, Jr. (“Mr. Valentine”) pursuant to 18 U.S.C. § 3583 to terminate the remaining term of his supervised release. (ECF No. 37.) The Government has indicated that neither it nor the Probation Office oppose Mr. Valentine’s motion. (ECF No. 40.)

The Court assumes the parties’ familiarity with the procedural and factual background of this matter. In relevant part, Mr. Valentine pleaded guilty to making a false statement in a firearm filing in violation of 18 U.S.C. § 924(a)(1)(A). (Minute Entry Dated April 19, 2019.) On September 18, 2019, the Court sentenced Mr. Valentine to time served and three years of supervised release. (Minute Entry Dated Sept. 18, 2019.)

Pursuant to 18 U.S.C. § 3583(e)(1), the Court may terminate an individual’s term of supervised release “at any time after the expiration of one year of supervision . . . if [the Court] is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.” In order to determine whether such action is warranted and in the interest of justice, courts consider the factors set forth in § 3553(a)(1)–(7). The § 3553(a) factors require this Court “to consider general punishment issues such as deterrence, public safety, rehabilitation,

proportionality, and consistency.” *United States v. Erskine*, 05-cr-1234-DC, 2021 WL 861270, at *1 (S.D.N.Y. March 8, 2021) (quoting *United States v. Lussier*, 104 F.3d 32, 35 (2d Cir. 1997)). Nonetheless, “[s]upervised release is not, fundamentally, part of the punishment; rather its focus is rehabilitation.” *Erskine*, 2021 WL 861270, at *1 (quoting *United States v. Aldeen*, 792 F.3d 247, 252 (2d Cir. 2015)).

Mr. Valentine asserts that in the year and half during which he has been on supervised release, he has been fully compliant with the terms of his release, including by working with a therapist and psychiatrist (ECF No. 37.) Additionally, Mr. Valentine has been studying Business Management and Administration at Mount Saint Mary College where he has completed three semesters with high academic honors and anticipates graduating this year and is in discussions with the graduate admissions counsel and his academic advisor regarding possible admission into the College’s MBA program. (*Id.*) Finally, Mr. Valentine has reflected on his past actions, takes full responsibility, has regained his faculties, and no longer presents a threat to himself or others. (*Id.*)

Upon review of Mr. Valentine’s motion and accompanying materials, the Court concludes that early termination of supervised release is appropriate here. *First*, Mr. Valentine has demonstrated “exceptionally good behavior.” *Lussier*, 104 F.3d at 36. This includes, among other things, academic achievements putting him on track to graduate with a degree in Business Management and Administration this month and completing the 75-hour New York State Real Estate Salesperson Pre-licensing Course. *Second*, his mental health team attests that he has been fully compliant with all treatment protocol, is psychiatrically stable, and does not present a threat to himself or others. *Third*, the Office of Probation and Government do not oppose Mr. Valentine’s Request. (ECF No. 40.) Having considered Mr. Valentine’s conduct while on supervised release

and the factors enumerated in 18 U.S.C. § 3553(a), the Court concludes that supervision is no longer necessary for Mr. Valentine.

Accordingly, Mr. Valentine's motion for termination of supervised release is GRANTED, effective five days from today. The Clerk of the Court is kindly directed to terminate the motions at ECF Nos. 33,¹ 37, and 40.

Dated: May 17, 2021
White Plains, New York

SO ORDERED:



NELSON S. ROMÁN
United States District Judge

¹ ECF No. 33 is a motion intended for another matter, mistakenly filed in this matter.